

BOARDS AND COMMISSIONS
Board of Barbering
(Amendment)

201 KAR 14:125. Instructor-~~Teacher~~ requirements.

RELATES TO: KRS 317.440, 317.450

STATUTORY AUTHORITY: KRS 317.440, 317.450(4), (7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1)(c) requires the board to promulgate an administrative regulation regarding the qualifications of instructors ~~teachers~~ of barbering. This administrative regulation establishes rules for school faculty and establishes conditions for unlicensed instructor student ~~teachers~~.

Section 1. (1) An instructor student ~~[A teacher]~~ shall achieve a passing score on the written instructor ~~teacher's~~ examination.

(2) A passing score shall be a minimum score of eighty (80) percent on the written examination required under subsection (1) of this section, and the oral and practical examinations required under Section 2(1)(b) and (c) of this administrative regulation.

Section 2. (1) An instructor student ~~[A teacher]~~ shall satisfy the following before the second renewal date as established in KRS 317.450(7)(a):

(a) Complete 400 ~~[twelve (12) months and 600]~~ hours of instructional experience in a barber school licensed by the board, under the supervision of a board-licensed instructor ~~teacher~~ with a minimum of three (3) years of experience;

(b) Achieve a passing score on the oral instructor ~~teacher's~~ examination required by the board; and

(c) Achieve a passing score on the practical instructor ~~teacher's~~ examination required by the board.

(2) An instructor student ~~[A teacher]~~ may request a one (1) time extension of time to complete the requirements of subsection (1) of this section. The extension may be granted by the board to the next renewal date. An extension of time request shall be filed, in writing, with the board no later than July 31 following the second renewal date.

(3) A teaching license shall not be renewed if an instructor student ~~[a teacher]~~ fails to achieve a passing score on the oral instructor ~~teacher's~~ examination and practical instructor ~~teacher's~~ examination by the second renewal period or upon the expiration of the extension of time.

(4) An individual whose teaching license is not renewed for failing to achieve a passing score on the oral instructor ~~teacher's~~ examination and practical instructor ~~teacher's~~ examination within the time period set out in subsection (3) of this section may reapply for an instructor ~~[a teaching]~~ license only after achieving a passing score on the oral instructor ~~teacher's~~ examination and practical instructor ~~teacher's~~ examination.

Section 3. (1) An instructor ~~[A teacher]~~ shall be present in the classroom of a school during the one (1) hour of classroom instruction required, and in the study of a school during study hours for the practical learning aspects, and will be required to supervise all practice student work.

(2) An instructor ~~[A]~~ student shall be under the face-to-face, direct supervision of an instructor ~~[a teacher]~~ while providing services to a client.

Section 4. A licensed barber shall not render services in a school, and an instructor student ~~[a teacher]~~ shall render services only incident to and for the purpose of instruction.

Section 5. Both instructor and instructor student ~~[A teacher]~~ in an accredited school shall devote his or her entire time during school or class hours to that of instructing the students and shall not apply his or her time to that of private or public practice for compensation during school hours or permit students to instruct or teach other students in the absence of an instructor or instructor student ~~[a teacher]~~.

Section 6. A properly qualified, licensed barber may demonstrate to the students new processes, new preparations, and new appliances in the presence of a licensed instructor ~~[teacher]~~. A school shall not permit more than four (4) such demonstrations in any calendar year.

Section 7. All services rendered in a school on patrons shall be done by students only. An instructor ~~[A teacher]~~ shall be allowed to teach and aid the students in performing the various services. An instructor student or instructor ~~[A teacher]~~ may finish up the patrons after the students have completed their work.

Section 8. An instructor student and instructor ~~[A teacher]~~ in attendance shall wear a clean, washable outer garment such as a coat or smock.

Section 9. A school shall require an instructor student and instructor ~~[a teacher]~~ to wear an insignia or badge indicating that he or she is an instructor ~~[a teacher]~~.

Section 10. An instructor student ~~[A teacher]~~ who has not completed ~~[twelve (12) months and 600]~~ 400 hours of instructional experience in a barber school licensed by the board under the supervision of a board-licensed instructor ~~[teacher]~~ with a minimum of three (3) years of experience shall document the hours of instructional experience. The documentation shall include the specific dates, times during the day, and the subject matter being instructed. The instructional experience documentation shall be signed by the teacher obtaining the instructional experience, the owner of the barber school where the instructional experience was obtained, and the board-licensed instructor ~~[teacher]~~ with a minimum of three (3) years of experience. This documentation shall be filed with the board prior to taking the examinations required under Section 2(1)(b) and (c) of this administrative regulation.

Section 11. The instructor student ~~[teacher]~~ obtaining the 400 hours ~~[600 hours]~~ of instructional experience and the board-licensed instructor ~~[teacher]~~ with a minimum of three (3) years of experience shall notify the board, in writing, of the mentoring and the notification to the board shall be signed by both ~~[teachers]~~. The notification shall be submitted prior to the beginning ~~[of the twelve (12) months and 600 hours]~~ of instructional experience.

Section 12. An instructor ~~[A teacher]~~ with a minimum of three (3) years of experience shall not mentor more than two (2) apprentice instructors ~~[teachers]~~ who have not satisfied Section 2(1)(b) and (c) of this administrative regulation.

Section 13. An instructor ~~[A teacher]~~ who is licensed by the board prior to the effective date of this administrative regulation is exempted from the requirements of Section 1 and Section 2(1)(b) and (c) of this administrative regulation.

Section 14. An instructor student ~~[A teacher]~~ in a school shall post~~[hold]~~ both a barber and barber instructor ~~[teacher's]~~ license issued by the board.[]

~~Section 15. A teacher who has not satisfied the requirements of Section 2(1) of this administrative regulation shall not be considered a teacher for purposes of KRS 317.540(5).]~~

JASON CROCKETT, Chair

APPROVED BY AGENCY: November 8, 2021

FILED WITH LRC: November 15, 2021 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 24, 2022, at 9:00 a.m., at Kentucky Board of Barbering. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on January 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher D. Hunt

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes rules for school faculty and establishes conditions for unlicensed teachers.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to satisfy statutory requirements that licensing guidelines be established. The regulation also ensures compliance with requirements to acquire requisite hours and to pass Board Exams and obtain licensure.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 317.440(1)(c) requires the board to promulgate an administrative regulation regarding the qualifications of teachers of barbering.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides a structure for an instructor student to qualify to sit for the instructor examination and provides a path to licensure.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes confusing language relating to industry licensure and provides continuity of terms. It also reduces the time to qualify from 600 to 400 hours and removes the 12 month requirement to test.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to remove language that conflicts industry standards and provides continuity of language with other administrative regulations and makes the path for an instructor license more attainable.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms with the requirement of KRS 317.440(1)(c) requires the Board of Barbering to promulgate administrative regulations pertaining to exam requirements.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will clarify language used and provide continuity throughout administrative regulations. This will in turn make the administration of regulations more efficient.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects approximately 4,550 license holders, in the following categories: master barbers, apprentice barbers, student barbers, barber instructors, barber schools, and barber shops. This administrative regulation will also affect future license applicants.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No action will be required of current license holders. The requirement for obtaining a new license.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There is no cost anticipated for compliance with the amended language.

(c) As a result of compliance, what benefits will accrue to the entities: License holders will benefit from a clearer, more concise description of their responsibilities when retaking exams for licensure.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: None – not applicable to this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any new fees, nor does it alter or increase existing fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Barbering.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 317.450(3); KRS 317.440.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the admin-

istrative regulation. The Board of Barbering is the only agency that would be directly impacted by this regulation. There are no expected impacts on expenditures or revenue, as the agency already employs inspectors, who determine compliance with all applicable regulations on their inspection visits. The only possible revenue would be from fines associated with failures to comply with the administrative regulation. This revenue would be variable and negligible.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? \$0-\$500.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? \$0-\$500.

(c) How much will it cost to administer this program for the first year? No additional costs are anticipated; any expenses are included with current expenditures for agency inspectors and staff.

(d) How much will it cost to administer this program for subsequent years? No additional costs are anticipated; any expenses are included with current expenditures for agency inspectors and staff.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: NA